



March 31, 2022

Via ECF

The Honorable Stewart D. Aaron
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl Street
 New York, NY 10007-1312

Re: In re ACTOS Antitrust Litig. (1:13-cv-09244-RA-SDA)

Dear Magistrate Judge Aaron:

We write on behalf of all parties to the above-captioned litigation. Pursuant to Your Honor's Individual Practice II.B.3, within three days of documents being filed under seal, a letter must be filed seeking permission to maintain that sealed filing.

On March 28, 2022, Plaintiffs filed a reply brief in support of their motion to compel. (ECF 365.) That brief attached several documents which were filed under seal, because Defendants had designated them "Confidential" pursuant to the Protective Order entered in this case. (ECF 190.)

Defendants request that these documents remain under seal because they contain confidential commercial information. Plaintiffs do not oppose Defendants' request that the documents be kept under seal.

We appreciate Your Honor's attention to this matter.

Sincerely,

/s/ Steve D. Shadowen

/s/ R. Brendan Fee

Steve D. Shadowen
Counsel for the Proposed End-Payor Class

R. Brendan Fee
Counsel for Defendants

/s/ Thomas M. Sobol

Thomas M. Sobol
Counsel for the Proposed Direct Purchaser Class

cc: Counsel of record (via ECF)

Application GRANTED. Pursuant to *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006), the Court finds that Defendants' interest in protecting their confidential commercial information outweighs the presumption of public access. Accord *News Corp. v. CB Neptune Holdings, LLC*, No. 21-CV-04610 (VSB), 2021 WL 3409663, at *2 (S.D.N.Y. Aug. 4, 2021) ("Courts in this District also routinely seal documents to prevent the disclosure of confidential business information.") (collecting cases).

SO ORDERED.

Dated: March 31, 2022

Att cl an